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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,384	02/19/2002	Naoto Kinjo	1110-0299P	1414

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,384

Applicant(s)

KINJO, NAOTO

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 3-8 and 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a first office action in response to application no. 10/076,384 filed on 2/19/2002 in which claims 1-21 are presented for examination, and claims 3-8, and 12-21 are withdrawn from consideration.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

The disclosure is objected to because of the following informalities: the specification lacks a brief description of Fig. 4A, see MPEP § 608.01(f). Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellenby et al. (U.S. Pat. No. 6,037,936).**

Regarding claim 1, Ellenby discloses an information transmitting system comprising: a first camera (Fig. 41, camera 413) by means of which a photographer who sends a message allocates message information to a subject specified in a first picture being taken (Figs. 48-54) and which also has a capability of acquiring information about a position of a shooting site and information about a shooting direction (Fig. 41, position 416 and attitude 417); a subject identifying unit which identifies said subject by deducing a geographical position of said subject using the information about the position of the shooting site and the information about the shooting direction that have been acquired by said first camera or the information about the positions the information about the shooting direction and a position of said subject which is within the first picture taken (col. 14, lines 14-44); and a message information transmitting unit which transmits said message information to said subject or a specified object including a third party (col. 25, lines 14-27).

Regarding claim 9, Ellenby discloses the specified object or said subject registers a category of said message information to be transmitted to said message information transmitting unit, and said message information transmitting unit transmits only the message information coincident with said registered category to said specified object or said subject (Figs. 51-52).

Regarding claim 10, Ellenby discloses the specified object or said photographer transmits present situation information of one's own self to said message information

transmitting unit, and said message information transmitting unit transmits the message information which is controlled depending on said present situation information to said specified object or said subject (Figs. 51-52).

Regarding claim 11, Ellenby discloses the specified object or said photographer transmits present situation information of one's own self to destination designated by one's own self, said message information transmitting unit transmits said message information to said designated destination of one's own self, and said designated destination of one's own self processes said message information depending on said present situation information and transmits said processed message information to said specified object or said subject (Figs. 51-52).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby et al. (U.S. Pat. No. 6,037,936).**

Regarding claim 2, Ellenby discloses communication between the computer vision system and the façade of a service business provider in order to schedule a message (Figs. 48-54). Ellenby does not disclose the message transmitting unit notifies

said subject that the message information from said photographer who sends the message is present and transmits said message information to said subject in response to access by said notified subject.

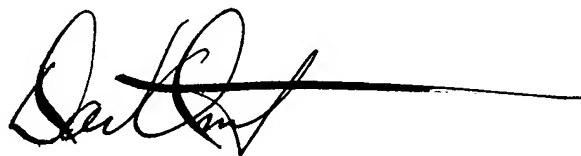
However, Official Notice is given that it is old and well known in the art to provide a handshaking protocol, whereby a first transceiver notifies a second transceiver that it has data that is ready to be sent, the second transceiver subsequently requesting the data from the first transceiver in order to initiate and complete data communications. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the message transmitting unit to notify said subject that the message information from said photographer who sends the message is present and transmits said message information to said subject in response to access by said notified subject transceiver in order to initiate and complete data communications.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
1/4/2006

A handwritten signature in black ink, appearing to read 'David Ometz', followed by a long horizontal line extending to the right.

**DAVID OMETZ**  
**SUPERVISORY PATENT EXAMINER**